

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

THE CITY OF PHILADELPHIA, MAYOR AND CITY  
COUNCIL OF BALTIMORE, THE BOARD OF  
DIRECTORS OF THE SAN DIEGO ASSOCIATION  
OF GOVERNMENTS, ACTING AS THE SAN DIEGO  
COUNTY REGIONAL TRANSPORTATION  
COMMISSION,

Plaintiffs,

v.

BANK OF AMERICA CORPORATION, BANK OF  
AMERICA, N.A., BANC OF AMERICA SECURITIES LLC,  
MERRILL LYNCH, PIERCE, FENNER & SMITH  
INCORPORATED, BARCLAYS BANK PLC, BARCLAYS  
CAPITAL INC., CITIGROUP, INC., CITIBANK N.A.,  
CITIGROUP GLOBAL MARKETS INC., CITIGROUP  
GLOBAL MARKETS LIMITED, GOLDMAN SACHS &  
CO. LLC, JPMORGAN CHASE BANK, N.A., J.P.  
MORGAN SECURITIES LLC, MORGAN STANLEY,  
MORGAN STANLEY SMITH BARNEY LLC, MORGAN  
STANLEY & CO. LLC, MORGAN STANLEY CAPITAL  
GROUP INC., THE ROYAL BANK OF CANADA, RBC  
CAPITAL MARKETS LLC, WELLS FARGO BANK, N.A.,  
WACHOVIA BANK, N.A., WELLS FARGO FUNDS  
MANAGEMENT, LLC, WELLS FARGO SECURITIES  
LLC,

Defendants.

Case No. 19-cv-1608 (JMF)

**NOTICE OF DEFENDANTS' MOTION TO EXCLUDE EXPERT TESTIMONY**

PLEASE TAKE NOTICE that upon the accompanying (i) Memorandum of Law in Support of Defendants' Motion to Exclude Expert Testimony and (ii) Declaration of Conrad Scott, both dated February 9, 2023, and the exhibits thereto, the undersigned Defendants will move this Court, before the Honorable Jesse M. Furman, at the Thurgood Marshall United States Courthouse, Courtroom 1105, 40 Foley Square, New York, New York, on a date and time to be

determined by the Court, for an Order excluding certain expert testimony of Dr. William Schwert and Dr. Rosa Abrantes-Metz under *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993) and Federal Rule of Evidence 702, and granting such other and further relief as the Court may deem just and proper.

Dated: February 9, 2023

Respectfully submitted,

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\* Signatures used with permission pursuant to S.D.N.Y. ECF Rule 8.5(b).